

111TH CONGRESS
1ST SESSION

S. 1358

To authorize the Director of the United States Patent and Trademark Office to use funds made available under the Trademark Act of 1946 for patent operations in order to avoid furloughs and reductions-in-force.

IN THE SENATE OF THE UNITED STATES

JUNE 25, 2009

Mr. LEAHY (for himself and Mr. SESSIONS) introduced the following bill;
which was read twice, considered, read the third time, and passed

A BILL

To authorize the Director of the United States Patent and Trademark Office to use funds made available under the Trademark Act of 1946 for patent operations in order to avoid furloughs and reductions-in-force.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. AUTHORITY OF PTO DIRECTOR TO USE TRADE-**
4 **MARK FUND.**

5 (a) **AUTHORITY.**—The Director of the United States
6 Patent and Trademark Office may use funds made avail-
7 able under section 31 of the Trademark Act of 1946 (15
8 U.S.C. 1113) to support the processing of patents and

1 other activities, services, and materials relating to patents,
 2 notwithstanding section 42(c) of title 35, United States
 3 Code, if—

4 (1) the Director certifies to Congress that the
 5 use of such funds is reasonably necessary to avoid
 6 furloughs or a reduction-in-force in the Patent and
 7 Trademark Office, or both; and

8 (2) funds so used are repaid to trademark oper-
 9 ations not later than September 30, 2011.

10 (b) EXPIRATION OF AUTHORITY.—The authority
 11 under subsection (a) shall terminate on June 30, 2010.

12 (c) DEFINITIONS.—In this section:

13 (1) DIRECTOR.—The terms “Director of the
 14 United States Patent and Trademark Office” and
 15 “Director” mean the Under Secretary of Commerce
 16 for Intellectual Property and Director of the United
 17 States Patent and Trademark Office.

18 (2) TRADEMARK ACT OF 1946.—The term
 19 “Trademark Act of 1946” means the Act entitled
 20 “An Act to provide for the registration and protec-
 21 tion of trademarks used in commerce, to carry out
 22 the provisions of certain international conventions,
 23 and for other purposes”, approved July 5, 1946 (15
 24 U.S.C. 1051 et seq.).

○